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SUBJECT: Pre-Appeal Brief Request and Notice of Appeal

Serial No.: U.S. Patent Application 10/066,954, filed February 4, 2002

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

24895B

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on September 12, 2005

Signature Jan Hostasa

Typed or printed name Jan Hostasa

Application Number

10/066,954

Filed

February 4, 2002

First Named Inventor

Lewin

Art Unit

3728

Examiner

Foster

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)

☒ attorney or agent of record.
Registration number 51,721

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Maria C. Gasaway
Signature

Maria C. Gasaway

Typed or printed name

740/321-7213

Telephone number

September 12, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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Attorney Docket No. 24895B
Application No. 10/066,954

M/S AF
Attorney Docket No. 24895B

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IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S): LEWIN ET AL.
APPL. NO.: 10/066,954 ART UNIT: 3728
FILED: 02/04/2002 EXAMINER(S): J. Foster
ENTITLED: A METHOD AND APPARATUS FOR THE BULK
COLLECTION OF TEXTURIZED STRAND

PRE-APPEAL BRIEF REQUEST FOR REVIEW

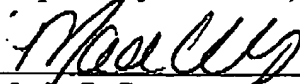
September 12, 2005

M/S AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the FINAL Office Action dated June 10, 2005, ("Action"), the Applicant requests review of the pending rejections before such time as an appeal brief is due in connection with the Notice of Appeal filed herewith. No claim amendments are being filed in conjunction with this request. A **Statement of Reasons** is attached below.

Respectfully submitted,


Marja C. Gasaway
Reg. No. 51,721

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STATEMENT OF REASONS

Favorable reconsideration of this application in light of the following remarks is respectfully requested.

No claim amendments or cancellations having been made, the Applicant respectfully submits that 15-18 remain pending in this application. Claim 15 is an independent claim; claims 16-18 depend from claim 15 and contain the limitations of claim 15 thereof.

Pending Rejections under 35 U.S.C. § 102(b)

Claims 15-17 stand rejected under 35 USC 102(b), as being anticipated by Ingemansson et al. (4,569,471).

Pending Rejections under 35 U.S.C. § 103(a)

Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ingemansson (4,569,471) in view of Mattis (3,968,877).

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ingemansson et al. in view of Mattis as applied to claim 15 above, and further in view of Galanes (3,670,949).

Ingemansson et al. Fail to Teach or Suggest Applicants' Claimed Invention

Ingemansson et al. specifically teach a muffler containing fiberglass wool. As indicated in Applicants' Amendment dated January 21, 2005, fiberglass wool is not a glass strand as Applicants claim (see claim 15).

In the Amendment dated January 21, 2005, Applicants amended claim 15 to further distinguish the glass strand from the fiberglass wool taught in the Ingemansson et al. reference (see claim 15, page 2 of the Amendment). Applicants claim (claim 15) a glass strand having a density of 5 to 10 lbs./ft³. This is clearly out of the range of the density of fiberglass wool (see 1/21/05 Amendment, page 3). One of ordinary skill in the

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art would clearly understand the difference between fiberglass wool and a glass strand. Both have different glass compositions resulting in different properties.

A Prima Facie Case of Obviousness Has Not Been Made

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness as the Ingemansson et al. reference does not teach or suggest all of Applicants' claim limitations. As stated above nowhere do Ingemansson et al. teach or suggest a package of texturized glass strand having a density of 5 to 10 lbs./ft³, as Applicants claim. In fact, Ingemansson et al. teach away from a glass strand and specifically teaches a container for fiberglass wool (see page 4; Amendment dated 1/21/05).

As such, it is respectfully submitted that a *prima facie* case of obviousness has not been established by the Office.

The Ingemansson et al. Reference Does Not Render the Invention Obvious

The Applicant respectfully maintains that without this misperception, that the cited reference cannot fairly be said to support the pending rejections. The Applicant respectfully contends, therefore, that each of the pending rejections should be reconsidered and withdrawn accordingly.